

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Horse Racing Act of 1975 is amended  
5 by changing Section 12.2 as follows:

6 (230 ILCS 5/12.2)

7 Sec. 12.2. Business enterprise program.

8 (a) For the purposes of this Section, the terms "minority",  
9 "minority owned business", "female", "female owned business",  
10 "person with a disability", and "business owned by a person  
11 with a disability" have the meanings ascribed to them in the  
12 Business Enterprise for Minorities, Females, and Persons with  
13 Disabilities Act.

14 (b) The Board shall, by rule, establish goals for the award  
15 of contracts by each organization licensee or inter-track  
16 wagering licensee to businesses owned by minorities, females,  
17 and persons with disabilities, expressed as percentages of an  
18 organization licensee's or inter-track wagering licensee's  
19 total dollar amount of contracts awarded during each calendar  
20 year. Each organization licensee or inter-track wagering  
21 licensee must make every effort to meet the goals established  
22 by the Board pursuant to this Section. When setting the goals  
23 for the award of contracts, the Board shall not include

1 contracts where: (1) licensees are purchasing goods or services  
2 from vendors or suppliers or in markets where there are no or a  
3 limited number of minority owned businesses, women owned  
4 businesses, or businesses owned by persons with disabilities  
5 that would be sufficient to satisfy the goal; (2) there are no  
6 or a limited number of suppliers licensed by the Board; (3) the  
7 licensee or its parent company owns a company that provides the  
8 goods or services; or (4) the goods or services are provided to  
9 the licensee by a publicly traded company.

10 (c) Each organization licensee or inter-track wagering  
11 licensee shall file with the Board an annual report of its  
12 utilization of minority owned businesses, female owned  
13 businesses, and businesses owned by persons with disabilities  
14 during the preceding calendar year. The reports shall include a  
15 self-evaluation of the efforts of the organization licensee or  
16 inter-track wagering licensee to meet its goals under this  
17 Section.

18 (d) The organization licensee or inter-track wagering  
19 licensee shall have the right to request a waiver from the  
20 requirements of this Section. The Board shall grant the waiver  
21 where the organization licensee or inter-track wagering  
22 licensee demonstrates that there has been made a good faith  
23 effort to comply with the goals for participation by minority  
24 owned businesses, female owned businesses, and businesses  
25 owned by persons with disabilities.

26 (e) If the Board determines that its goals and policies are

1 not being met by any organization licensee or inter-track  
2 wagering licensee, then the Board may:

3 (1) adopt remedies for such violations; and

4 (2) recommend that the organization licensee or  
5 inter-track wagering licensee provide additional  
6 opportunities for participation by minority owned  
7 businesses, female owned businesses, and businesses owned  
8 by persons with disabilities; such recommendations may  
9 include, but shall not be limited to:

10 (A) assurances of stronger and better focused  
11 solicitation efforts to obtain more minority owned  
12 businesses, female owned businesses, and businesses  
13 owned by persons with disabilities as potential  
14 sources of supply;

15 (B) division of job or project requirements, when  
16 economically feasible, into tasks or quantities to  
17 permit participation of minority owned businesses,  
18 female owned businesses, and businesses owned by  
19 persons with disabilities;

20 (C) elimination of extended experience or  
21 capitalization requirements, when programmatically  
22 feasible, to permit participation of minority owned  
23 businesses, female owned businesses, and businesses  
24 owned by persons with disabilities;

25 (D) identification of specific proposed contracts  
26 as particularly attractive or appropriate for

1 participation by minority owned businesses, female  
2 owned businesses, and businesses owned by persons with  
3 disabilities, such identification to result from and  
4 be coupled with the efforts of items (A) through (C);  
5 and

6 (E) implementation of regulations established for  
7 the use of the sheltered market process.

8 (f) The Board shall file, no later than March 1 of each  
9 year, an annual report that shall detail the level of  
10 achievement toward the goals specified in this Section over the  
11 3 most recent fiscal years. The annual report shall include,  
12 but need not be limited to:

13 (1) a summary detailing expenditures subject to the  
14 goals, the actual goals specified, and the goals attained  
15 by each organization licensee or inter-track wagering  
16 licensee;

17 (2) a summary of the number of contracts awarded and  
18 the average contract amount by each organization licensee  
19 or inter-track wagering licensee;

20 (3) an analysis of the level of overall goal  
21 achievement concerning purchases from minority owned  
22 businesses, female owned businesses, and businesses owned  
23 by persons with disabilities;

24 (4) an analysis of the number of minority owned  
25 businesses, female owned businesses, and businesses owned  
26 by persons with disabilities that are certified under the

1 program as well as the number of those businesses that  
2 received State procurement contracts; and

3 (5) (blank) ~~a summary of the number of contracts~~  
4 ~~awarded to businesses with annual gross sales of less than~~  
5 ~~\$1,000,000; of \$1,000,000 or more, but less than~~  
6 ~~\$5,000,000; of \$5,000,000 or more, but less than~~  
7 ~~\$10,000,000; and of \$10,000,000 or more.~~

8 (Source: P.A. 98-490, eff. 8-16-13; 99-78, eff. 7-20-15.)